

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LEXINGTON INSURANCE COMPANY

Plaintiff,

v.

**ACE AMERICAN INSURANCE
COMPANY**

Defendant.

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CIVIL ACTION NO. 4:12-CV-00531

**DEFENDANT’S WITHDRAWAL OF OPPOSITION TO PLAINTIFF’S MOTION FOR
LEAVE TO FILE THIRD AMENDED COMPLAINT**

Defendant ACE American Insurance Company (“ACE”) hereby withdraws its Opposition to Plaintiff’s Motion for Leave to File Third Amended Complaint and would respectfully show the Court as follows:

I.

On July 18, 2014, Plaintiff filed a Motion for Leave to File Third Amended Complaint (Dkt. # 40) (“Plaintiff’s Motion”). ACE filed an Opposition to Plaintiff’s Motion on August 7, 2014 (Dkt. # 47) and a Sur-Reply (Dkt. # 68) in support of that Opposition on August 27, 2014. In accordance with an agreement between the Parties, ACE no longer opposes Plaintiff’s proposed amendment and hereby withdraws its Opposition to Plaintiff’s Motion.

WHEREFORE, ACE American Insurance Company hereby requests that the Court withdraw ACE’s Opposition (Dkt. # 47) and Sur-Reply (Dkt. # 68) in support of that Opposition, and grant ACE American Insurance Company such other and further relief to which it may show itself justly entitled.

Respectfully Submitted,

s/ W. Neil Rambin

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**ATTORNEYS FOR DEFENDANT ACE
AMERICAN INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been forwarded to all counsel of record via e-filing in compliance with the applicable Federal Rules of Civil Procedure on this 29th day of October, 2014.

s/ L. Kimberly Steele